

University of Oklahoma College of Law University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

3-17-1830

Massachusetts. Memorial of inhabitants of
Hampshire County, Massachusetts, in relation to
the Indian tribes.

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indian and Aboriginal Law Commons](#)

Recommended Citation

H.R. Rep. No. 310, 21st Cong., 1st Sess. (1830)

This House Report is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.

MASSACHUSETTS.

MEMORIAL

OF

INHABITANTS OF HAMPSHIRE COUNTY, MASSACHUSETTS, IN RELATION
TO THE INDIAN TRIBES.

MARCH 17, 1830.

Referred to the Committee of the Whole House on the state of the Union.

*To the Senate and House of Representatives of the United States of
America in Congress assembled:*

The subscribers, inhabitants of the towns of Northampton, Easthampton,
Southampton, and Westhampton, in the county of Hampshire, and Com-
monwealth of Massachusetts,

RESPECTFULLY REPRESENT:

That it is with great reluctance they approach the Congress of the United States upon the subject of our relations, as a people, with the Indian tribes; but, understanding from various sources, that an effort may be made to withdraw the Government from the high and honorable ground it has hitherto occupied in its intercourse with the aboriginal inhabitants of our country, your memorialists feel constrained to express their earnest hope, that no measure may be adopted by the National Legislature, impairing, or seeming to impair, the rights of the original occupants of any portion of our territory, or violating, either palpably or substantially, the integrity of the national faith.

So far as your memorialists can discover, the more essential rights of our Indian brethren have been recognised and well understood from the first settlement of the country; and, though the sovereignty exercised by the Indian tribes, under the various compacts and treaties made by them with the National and State Governments, is but a qualified one, it is, nevertheless, in the apprehension of your memorialists, a sovereignty still.

But, aside from their original rights as immemorial occupants of the soil, some of those tribes, at least, may appeal with irresistible force in support of their rights of property, and their right also of self-government, to solemn treaty stipulations on the part of the United States. THEIR TERRITORY IS GUARANTIED TO THEM FOR EVER; not as citizens of the States, and subject to the legislative enactments of the State or national authorities; nor as aliens and outcasts, possessing the right of occupancy merely, and liable to be stripped of every thing else at the pleasure of the State within

whose limits they may happen to fall; but, in the character sustained by them when the guarantee was given, as a distinct people, regulating their own concerns, and administering justice among themselves, according to their own forms of government, however imperfect.

The late President Jefferson, in a letter written by him while Secretary of State, and when acquainted therefore with the views of Washington, and the other great men who then administered the Government, confirms the suggestions we have made by these remarkable expressions: "Without noticing," he says, in his letter to General Knox, in 1791, "that some of the highest functions of sovereignty are assumed in the very papers which he (Mr. Moultrie) annexes as his justification, I am of opinion that Government should firmly maintain this ground; that *the Indians have a right to the occupation of their lands, independent of the States within whose chartered lines they happen to be*; that, until they cede them by treaty, or other transaction equivalent to a treaty, no act of a State can give a right to such lands; that *the Government is determined to exert all its energy for the patronage and protection of the rights of the Indians; and that, if any settlements are made on lands not ceded by them, without the previous consent of the United States, THE GOVERNMENT WILL THINK ITSELF BOUND, not only to declare that such settlements are without the authority or protection of the United States, but to REMOVE THEM ALSO BY PUBLIC FORCE.*"

Your memorialists are aware, that this question of Indian rights is sometimes spoken of as a *great question of national policy*; and so, in some respects, it is. But, so far as this view of the subject is intended to throw doubts upon the course we are required, by existing facts, to pursue, or to impair the strength of those engagements, to the observance of which we are bound by the sanctity of the public faith, we might as well ascertain the character of any other proposed national act, setting at nought the principles of national justice and the national honor, by the same standard. If the national faith is pledged for the protection of the Indians, and national policy *might* authorize a forfeiture of that pledge, the question comes not within its jurisdiction; and, to bring it before such a tribunal, is to place our country, elevated as she is by the virtuous character of her citizens, and the wisdom and liberality of her institutions, upon a footing with the unprienced despoticisms of the old world, where the claims of justice are trampled under foot, because, so far as man is concerned, they may be thus trampled upon with impunity.

Your memorialists, in conclusion, respectfully pray Congress, that such measures may be adopted as shall effectually protect the Indian tribes within our national limits from all encroachments upon their territory, and all unjustifiable interference with their right of self-government; thus manifesting to the world the benignant influence of those principles upon which our Republican Government rests, not only upon the rights and happiness of its own citizens, but upon the destinies of all others, however feeble and defenceless, who are entitled to look to that Government for protection.